

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**WILLIAM T. SANDERS V. STATE OF TENNESSEE**

**Direct Appeal from the Criminal Court for Davidson County  
No. 3952 Steve Dozier, Judge**

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**No. M2008-01269-CCA-R3-HC - Filed April 14, 2009**

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Petitioner, William T. Sanders, appeals the trial court's denial of his petition for writ of habeas corpus. The State has filed a motion pursuant to Rule 20, Rules of the Court of Criminal Appeals of Tennessee, for this Court to affirm the judgment of the trial court by memorandum opinion. We grant the motion and affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Davidson County Criminal  
Affirmed Pursuant to Rule 20 of the Tennessee Court of Criminal Appeals**

THOMAS T. WOODALL, J., delivered the opinion of the court, in which DAVID H. WELLES and ROBERT W. WEDEMEYER, JJ., joined.

William T. Sanders, Nashville, Tennessee, *Pro Se*.

Robert E. Cooper, Attorney General and Reporter; Matthew Bryant Haskell, Assistant Attorney General; Victor S. Johnson, III, District Attorney General; and Pamela Anderson, Assistant District Attorney General, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

From the record on appeal it appears that on March 5, 2002, Petitioner entered a plea of guilty and was convicted of burglary of a building other than a dwelling, aggravated burglary, four counts of theft under \$500, and burglary. He received an effective five-year sentence to be served consecutively to three probation violations for an effective 15-year sentence on intensive probation. Although it not clear from the limited record provided by Petitioner, it appears that his probation was later revoked, and he was ordered to serve his 15-year sentence.

On April 8, 2008, Petitioner filed a *pro se* petition for habeas corpus relief alleging that the Tennessee Department of Correction has failed to give him the proper jail credit for his sentences. The criminal court summarily dismissed the petition finding that Petitioner failed to present any information to show that he is being illegally detained or that his sentence has expired.

Article I, section 15 of the Tennessee Constitution guarantees the right to seek habeas corpus relief. Tennessee Code Annotated sections 29-21-101 through 29-21-130 codify the applicable procedures for seeking a writ. However, the grounds upon which a writ of habeas corpus may be issued are very narrow. Taylor v. State, 995 S.W.2d 78, 83 (Tenn.1999). A writ of habeas corpus is available only when it appears on the face of the judgment or the record of the proceedings upon which the judgment was rendered that a court was without jurisdiction to convict or sentence the defendant or that the defendant is still imprisoned despite the expiration of his sentence. See Summers v. State, 212 S.W.3d 251, 255 (Tenn.2007); Archer v. State, 851 S.W.2d 157, 164 (Tenn. .1993); Potts v. State, 833 S.W.2d 60, 62 (Tenn.1992). The purpose of a habeas corpus petition is to contest void and not merely voidable judgments. Archer, 851 S.W.2d at 163. A void judgment is a facially invalid judgment, clearly showing that a court did not have statutory authority to render such judgment; whereas, a voidable judgment is facially valid, requiring proof beyond the face of the record or judgment to establish its invalidity. See Taylor, 995 S.W.2d at 83. The burden is on the petitioner to establish by a preponderance of the evidence, that the sentence is void or that the confinement is illegal. Wyatt v. State, 24 S.W.3d 319, 322 (Tenn.2000). Moreover, it is permissible for a court to summarily dismiss a petition for habeas corpus relief, without the appointment of counsel and without an evidentiary hearing, if the petitioner does not state a cognizable claim. See Summers, 212 S.W.3d at 260; Hickman v. State, 153 S.W.3d 16, 20 (Tenn.2004).

Petitioner asserts that the Department of Correction has failed to credit him with 277 days of pretrial jail credit on his sentences. He also asserts that the sentences have expired. However, there is nothing in the record to indicate that Petitioner's effective 15-year sentence entered in March of 2002 has expired. Moreover, any claim as to the issue of jail credits is not cognizable in a habeas corpus petition alleging that the sentence has expired. See Carroll v. Raney, 868 S.W.2d 721, 723 (Tenn. Crim. App. 1993).

Nothing on the face of the petitioner's judgment indicates that the convicting court was without jurisdiction to sentence the petitioner or that the sentence has expired. As a result, the court's summary dismissal was proper. See Summers, 212 S.W.3d at 260.

Upon review of this matter, this Court concludes that no error of law requiring a reversal of the judgment of the trial court is apparent on the record.

### **CONCLUSION**

Accordingly, the judgment of the trial court is affirmed.

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THOMAS T. WOODALL, JUDGE